

ALLEGED SHIPMENT: From on or about October 21 to December 2, 1943, by the Tri-State Brokerage Co., from Albuquerque, N. Mex., and by the Gallup Mercantile Co., and Jack Hill from Gallup, N. Mex.

PRODUCT: 900 sacks, each containing approximately 80 pounds, of piñon nuts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence in it of rodent and other animal excreta, stones, stems, and pine needles.

DISPOSITION: March 20, 1944. The Los Angeles Nut House, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for cleaning and removal of the extraneous substances, under the supervision of the Food & Drug Administration.

5983. Adulteration of piñon nuts. U. S. v. 200 Bags and 9 Bags of Piñon Nuts. Consent decrees of condemnation. Product released under bond for cleaning. (F. D. C. Nos. 11782, 11878. Sample Nos. 53632-F, 53938-F.)

LIBELS FILED: February 9 and 19, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about November 12 and 26, 1943, by the Gallup Mercantile Co., Gallup, N. Mex.

PRODUCT: 200 bags, each containing approximately 81 pounds, and 9 bags, each containing approximately 75 pounds, of piñon nuts in the shell, at Los Angeles, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances by reason of the presence (200 bags) of rodent pellets and pellets resembling rabbit excreta, and (9 bags) of sticks, stones, stems, and animal excreta from other than rats or mice.

DISPOSITION: February 25 and March 20, 1944. Gonzalez and Blanco, and the Mellos Peanut Co., Los Angeles, Calif., claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for cleaning by removal of extraneous material, under supervision of the Food and Drug Administration.

OILS AND FATS

5984. Adulteration and misbranding of olive oil. U. S. v. Dante Pinnere, Louis Cutali, and Vincenzo Cottone (C. P. C. Trading Co.). Pleas of guilty. Dante Pinnere and Louis Cutali fined \$50 on each of the 4 counts; and Vincenzo Cottone fined \$100 on each of the 4 counts. Fine suspended as to all defendants on the last 3 counts. (F. D. C. No. 7744. Sample Nos. 64837-E, 64856-E.)

INFORMATION FILED: December 21, 1942, Western District of New York, against Dante Pinnere, Louis Cutali, and Vincenzo Cottone, trading as the C. P. C. Trading Co., Rochester, N. Y.

ALLEGED SHIPMENT: On or about January 27 and March 2, 1942, from the State of New York into the States of Pennsylvania and Ohio.

LABEL, IN PART: "One Gallon Net * * * La Boheme Brand Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil or oils other than olive oil had been substituted in whole or in part for pure olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the statements, "Pure Olive Oil Imported Product," and "This can contains imported olive oil—guaranteed to be absolutely pure under any chemical analysis," (and similar statements in Italian), and "Pure Imported Olive Oil," and the design of olives on the label, were false and misleading in that they represented and suggested that the article was pure olive oil, whereas it was not pure olive oil; Section 403 (b), it was offered for sale under the name of another food, olive oil; Section 403 (f), the words, statements, or other information required by or under the authority of the Act to appear on the label or labeling were not placed thereon in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use, in that the can labels bore representations in the Italian language and, by reason of such representations, the article purported to be prepared for the Italian purchaser, and the words, statements, and other information required by the law to appear on the label or labeling should appear thereon in the Italian language in order to be read and understood by the Italian purchaser, whereas they did not so appear; Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each

such ingredient; and, Section 403 (e) (2), one lot was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the cans were labeled "One Gallon Net" and contained less than 1 gallon.

DISPOSITION: June 14 and 21, 1943. The defendants having entered pleas of guilty, the court imposed a fine of \$50 on each of the 4 counts against Dante Pinnere and Louis Cutali, and a fine of \$100 on each of the 4 counts against Vincenzo Cottone, and suspended the fines on the last 3 counts as to all of the defendants.

5985. Adulteration and misbranding of olive oil. U. S. v. 32 Cans of Olive Oil. Default decree of condemnation. Product sold for war purposes. (F. D. C. No. 12192. Sample No. 50358-F.)

LIBEL FILED: April 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about October 14, 1943, by the Keystone Grocery & Distributing Co. of Pittsburgh, Inc., Pittsburgh, Pa.

PRODUCT: 32 cans of oil at Weirton, W. Va.

LABEL, IN PART: "One Gallon Fortebraccio Brand 80% Cottonseed Oil and Corn Oils 20% Pure Olive Oil."

VIOLATIONS CHARGED: Adulteration, 402 (b) (2), a substance consisting essentially of cottonseed oil and some corn oil, with little or no olive oil, had been substituted for 80 percent cottonseed oil and corn oil and 20 percent pure olive oil, which it was represented to be.

Misbranding, Section 403 (a) (f), the statement, "80% Cottonseed and Corn Oils 20% Pure Olive Oil," was false and misleading. The label contained representations in a foreign language, Italian, and the statement of quantity of contents and list of ingredients, required by the Act to appear on the label, failed to appear thereon in the foreign language.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered ordering the product destroyed for food purposes, but providing that it be denatured and sold for technical war purposes.

5986. Adulteration and misbranding of peanut oil. U. S. v. 23 Tins of Peanut Oil. Default decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10779. Sample No. 55504-F.)

LIBEL FILED: September 15, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about July 28, 1943, by D. F. DeBernardi & Co., San Francisco, Calif.

PRODUCT: 23 tins of peanut oil at Ravensdale, Wash.

LABEL, IN PART: "Vegeto Brand Pure Golden PEANUT OIL."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that a mixture of peanut oil and cottonseed oil had been substituted in whole or in part for peanut oil, which the article was represented to be.

Misbranding, Section 403 (a), in that the statements on the label, "Pure Golden Peanut Oil," and "Vegeto is the expressed Light Golden Oil of Delicious American Grown Peanuts, Multi Processed to Assure the Utmost Purity Yet especially treated to Preserve Certain Stabilizing Elements in the Natural Expressed Oil that Insure its Long Keeping Qualities and Freshness," were false and misleading as applied to a mixture of peanut oil and cottonseed oil.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government institution.

5987. Misbranding of peanut oil. U. S. v. 200 Cases and 225 Cases of Peanut Oil. Product ordered released for relabeling. (F. D. C. No. 10416. Sample No. 11822-F.)

LIBEL FILED: September 1, 1943, Territory of Hawaii.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Morse Export Import Co., Inc., from San Francisco, Calif.

PRODUCT: 200 cases, each containing 6 1-gallon cans, and 225 cases, each containing 12 ½-gallon cans, of peanut oil, at Honolulu, Hawaii.

LABEL, IN PART: "Net Contents One Gallon Panther Brand Oil of Peanuts [or "Net Contents One Half Gallon Panther Brand * * * Peanut Oil"] * * * Packed and Distributed by Marsili & Co. Inc. San Francisco."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Oil of Peanuts" (gallon cans), "Peanut Oil" (half-gallon cans), and "Olio di Arichidi"